

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
Civil Action No. 5:12-cv-289-BO

STATE FARM FIRE AND CASUALTY )  
COMPANY as subrogee of )  
CHRISTOPHER TAYLOR, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
LOUISIANA PACIFIC CORPORATION, )  
 )  
Defendant. )  
\_\_\_\_\_ )

**MEMORANDUM IN OPPOSITION  
TO PLAINTIFF’S MOTION FOR  
JUDICIAL SETTLEMENT  
CONFERENCE**

Defendant Louisiana Pacific Corporation (“LP”) submits this memorandum in opposition to Plaintiff’s Motion Requesting Judicial Settlement Conference.

On October 9, 2012, the parties participated in required mediation before Ron Perkinson. Mediation quickly resulted in an impasse. While it participated in good faith, from Defendant’s perspective, the nature of this case bars pre-trial settlement.

Plaintiff has brought a subrogation claim in which it seeks to hold Defendant – a manufacturer of building materials- liable for Plaintiff’s insured’s losses resulting from a fire that originated in the insured’s home when it was struck by lightning. Defendant strongly disputes the Plaintiff’s claim that Defendant’s roof sheathing was the cause of the fire and resulting losses to it’s insured, as opposed to the undisputed fact that the home was struck by lightning immediately before the fire started. Defendant has previously participated in court ordered mediation which was not successful. Given the nature of the Plaintiff’s claim and the fact that nothing learned in discovery provides any credible support for the Plaintiff’s position, Defendant

opposes Plaintiff's request for a judicial settlement conference. To do so would not result in judicial economy or efficiency, but will instead only serve to waste the time of Judge Webb, and further increase the time and expense to Defendant of having to defend itself against these unwarranted attempts by Plaintiff to make lightning related fires a subrogatable claim. Defendant believes resolution of this case will result from either the granting of its *Daubert* motion on file, or trial.

For the foregoing reasons, Defendant respectfully requests that Plaintiff's Motion Requesting Judicial Settlement Conference be denied.

This the 14<sup>th</sup> day of January, 2014.

LOUISIANA-PACIFIC CORPORATION

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Defendant.

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